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SUBJECT: AFRICAN MIGRANTS AND ASYLUM SEEKERS IN ISRAEL

REF: A. STATE 103854
1B. STATE 115776
1C. GENEVA 1914
1D. TEL AVIV 2536
1E. CAIRO 2320 AND PREVIOUS
1F. USEU BRUSSELS 2628

Classified By: PRM/AFR Dir. Margaret McKelvey-reasons 1.4(b/d)

11. (U) This is an action request. Please see paragraphs 7 - 10.

12. (C) Summary. Dept continues to be concerned about African migrants, asylum seekers, and potential refugees moving from Egypt to Israel -- an issue which is not likely to go away soon and which has already resulted in some deaths and very negative publicity for both countries. PRM hosted a department-wide meeting on August 29 to discuss this issue. PRM A/S Sauerbrey also raised our concerns with Israeli Embassy in Washington DCM Issacharoff in a meeting on September 4. This message reiterates our call for (1) humane treatment by Egypt of would-be border crossers and deportees, (2) protection in Israel and access to refugee status determination procedures to determine those who may have legitimate refugee claims, and (3) UNHCR-led tripartite talks, with the USG as observer if desired, to help both Egypt and Israel develop a better approach to this issue. End Summary.

13. (C) PRM hosted a Department meeting on August 29 to discuss what seems to be a growing phenomenon of African refugees, asylum seekers, and migrants in Israel and to develop a consensus on how the USG should approach this issue. Other participants included representatives from NEA/IPA, NEA/ELA, DRL, IO, and S/P. Noting that the growing number of Africans entering Israel include Sudanese (some from Darfur), Eritreans, Ethiopians, Somalis, and Ivoirians -- all nationalities that might well have a valid persecution claim -- and that most are coming via Egypt where only some have sought and received asylum previously, the participants discussed the state of play in light of several broad goals:
-- End the killing of African migrants seeking to enter Israel by Egyptian border guards.
-- Prevent the refoulement of any recognized or mandate refugee to his/her country of origin.
-- Maintain first asylum for refugees in Egypt, urging Egyptians not to punish refugees for irregular departure.
-- Ensure that UNHCR is able to play its normal role in both

Israel and Egypt through a tripartite process, and through bolstering its screening capacity in Israel and Egypt.

-- Assist Israel, as appropriate/desired, as it moves to create an asylum system and to make changes to its process for admitting migrants.

-- Consider for resettlement, based on referrals from UNHCR, refugees from Darfur (including those in Israel) who are in need of immediate protection or who have a genuine reason for requiring third country resettlement, without creating a magnet and/or fraud.

-- Encourage the GOI and GOE to resolve this with the help of UNHCR and avoid any role for the USG beyond facilitation and assistance on what is clearly the GOI and GOE's "problem". This issue is likely to persist for some years and needs a durable regional solution.

¶4. (C) Acknowledging that neither the reported (and possibly misunderstood) terms nor the implementation of the bilateral Olmert-Mubarak arrangement between Israel and Egypt have been successful in either stemming population movements from Egypt to Israel or ensuring protection for potential refugees, participants agreed to press for a multilateral approach with UNHCR in the lead and to press UNHCR to accelerate planning for tripartite (UNHCR-Egypt-Israel) discussions. Participants recommended that we ask the High Commissioner himself or his deputy to convene respective Ambassadors in Geneva to encourage Egypt and Israel to meet together with UNHCR. For our part, the USG would also urge both governments to come to the table and would offer to serve as an observer to the tripartite meeting(s). We would also be willing to explore possible support for enhancing the capacity of asylum systems in both countries as well as the capacity of UNHCR offices to assist in making timely refugee status determinations. Recognizing the European Union's significant investment in migration management in the Mediterranean region, it was suggested that the EU might also be able to provide valuable advice and assistance -- probably at some later point -- as the approach to the asylum-seeker/migrant issue is internationalized.

¶5. (C) PRM A/S Sauerbrey met with Israeli Embassy DCM Jeremy Issacharoff on September 4 on a number of issues of shared concern, including Sudanese and other African refugees/migrants in Israel. Issacharoff reported that Israel was facing a steady stream of "refugees" "infiltrating" Israel. While the GOI had agreed to provide refuge to 500 refugees from Darfur already in the country, Israel was seeking USG resettlement assistance with Darfuris beyond the 500 ceiling. (note. Subsequent press reports indicate that the GOI will even offer citizenship to some 300 people from Darfur now in Israel. end note.) On returns to Egypt, Issacharoff said Israel was working with UNHCR and wanted to do returns in cooperation with UNHCR. (note. UNHCR/Israel advises that it has been informed of GOI plans but has not approved/been involved with returns. end note.) He noted that while 46 people were returned to Egypt (on August 18), a subsequent group was refused by Egypt. He described the Olmert-Mubarak agreement as "still very embryonic" and presently "frozen". Despite this, Issacharoff noted the sensitive nature of the relationship between Israel and Egypt and said that the GOI's preferred mechanism was to continue bilateral discussions with Egypt and to inform UNHCR of the substance/conclusion of those discussions.

¶6. (C) A/S Sauerbrey stressed the importance and advantages of involving UNHCR in the Israel-Egypt discussions on asylum seekers, in the process of refugee status determinations in Israel, and in the search for third-country resettlement opportunities. She noted that if UNHCR were to refer refugee cases in Israel to the U.S. for resettlement, we would be prepared to consider them and would encourage other resettlement countries to do the same. She added a note of caution, however, about potential U.S. resettlement creating a strong magnet for others seeking to enter Israel. She also offered USG technical assistance in the areas of improving asylum procedures and/or increasing capacity for processing refugee status determinations, asking Issacharoff if he thought that might be helpful. He sidestepped the question

saying that the Israeli asylum system "still has to be stabilized" (including sorting out which of multiple GOI entities should do what).

¶7. (C) For Geneva: Dept requests that Mission meet soonest with UNHCR to make the following points:

-- The USG appreciates UNHCR/Geneva's willingness to host tripartite talks with the governments of Israel and Egypt to help both governments develop a more humane approach to migrants, asylum seekers, and potential refugees seeking to move from Egypt to Israel. We believe these talks should be held as soon as possible given the continued population flow into Israel and the threats (border shootings, deportations) faced by border crossers.

-- We would urge that the High Commissioner or his Deputy meet with the Ambassadors from Egypt and Israel to encourage both countries to participate in tripartite discussions.

(Note. Given what appears to be some friction between UNHCR/Cairo and UNHCR/Tel Aviv and the repeated refrain that UNHCR has difficult relations with the Egyptian Government as a result of the 2005/06 Sudanese sit-in/Egyptian riot police action, we think it would be important to demonstrate UNHCR resolve at the highest levels to help with the current and prospective situations. end note.)

-- The USG is willing to serve as an observer to these discussions, if desired, and to also encourage Egyptian and Israeli participation.

-- We would also be willing to consider referrals of Darfur refugees in Israel on the usual international burden-sharing basis.

-- We believe that UNHCR operations in both Egypt and Israel need strengthened capacity to assist those governments to conduct refugee status determinations and would be prepared to help support more robust UNHCR programming.

¶8. (C) For Cairo -- Dept requests that post again meet with Egyptian authorities to make the following points:

-- While the USG recognizes Egypt's legitimate concerns about border security and the need to aggressively address smuggling operations, we again reiterate that shooting or beating would-be border crossers is not a humane approach to migrants, asylum seekers, and potential refugees.

-- We are also concerned about the fate of Africans deported from Israel to Egypt, most notably the 46 deported in August, and urge Egypt to ensure that none is mistreated or further deported to countries such as Eritrea, Somalia, or the Darfur region of Sudan, where their lives may at risk.

-- We also urge Egypt to continue to work with UNHCR to develop a stronger refugee status determination capacity.

-- Recognizing that bilateral discussions between Israel and Egypt have not successfully resolved this issue and that the asylum-seeker/migrant flows are likely to continue, we urge Egypt to participate in UNHCR-hosted tripartite discussions. We would be happy to serve as observer to these discussions.

¶9. (C) For Tel Aviv -- Dept requests Embassy meet again with Israeli authorities to make the following points:

-- While the USG recognizes Israel's concern about becoming overwhelmed with African migrants and asylum seekers, we are concerned that those being deported from Israel may include potential refugees who face security risks if further deported by Egypt.

-- Israel's bilateral agreement with Egypt is clearly not working, leading us again to press for a multilateral approach to this issue with UNHCR-HQ -- the only international body with the legitimacy and experience to

mediate in cross-border agreements such as this -- playing a lead role.

-- While acknowledging the GOI's concern about the recent troubled history between the GOE and UNHCR, we are concerned that a lack of involvement by UNHCR could lead to further misunderstandings between the two countries, additional incidents at the border, and further negative press for Israel.

-- A formal UNHCR-GOI-GOE tripartite agreement would seek to formalize the commitments of both governments in accordance with refugee conventions and current realities on the ground with the dual goals of identifying/finding durable solutions for genuine refugees and stemming the migrant flow at the border in a safe and humane way.

-- As such, we urge Israel to participate in UNHCR-led tripartite discussions with Egypt. We would be happy to serve as observer to these discussions.

-- We appreciate Israel's stated willingness to accept 500 already-arrived refugees from Darfur. However, we also urge Israel to address all asylum seekers on a case by case basis, not delimited by time of arrival or nationality. In addition to Darfur refugees, Somalis and Eritreans as well as some Ethiopians and Ivoirians are likely equally in need of Israel's protection.

-- The USG is happy to explore technical support through UNHCR or directly with the Israeli government to augment Israel's capacity to conduct refugee status determinations or refine asylum procedures.

-- We are also willing to consider for U.S. resettlement those cases referred to us by UNHCR, although we would be concerned about U.S. resettlement creating a magnet for new population flows to Israel.

¶10. (C) For USEU -- Department is not requesting any specific action on your part at present; however, please find a way in the course of your ongoing discussions with EU interlocutors on refugee/migration issues -- possibly regarding the plans for a common EU position on interceptions at sea (ref F) -- to gauge whether they could eventually be helpful in internationalizing this issue further, possibly drawing on the Aeneus Fund for helping countries with migration management.

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